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Fifty-third session
Agenda items 46 (b) and 62
FIFTIETH ANNIVERSARY OF THE UNIVERSAL
DECLARATION OF HUMAN RIGHTS:
FIFTIETH ANNIVERSARY OF THE
CONVENTION ON THE PREVENTION AND
PUNISHMENT OF THE CRIME OF GENOCIDE
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-fourth year

Letter dated 4 January 1999 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 29 December 1998, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda items 46 (b) and 62, and of the Security Council.

(Signed) Volkan VURAL
Ambassador
Permanent Representative

ANNEX

Letter dated 29 December 1998 from Mr. Aytuğ Plümer addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the statement made by the Greek Cypriot representative at the 77th plenary meeting of the General Assembly, held on 2 December 1998, under agenda item 46 (b) (Fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide). This statement contains allegations which grossly distort the nature of the Cyprus question. Since the Turkish Cypriot side is denied its rightful say in the Assembly, I am obliged to respond to these allegations in writing.

The Greek Cypriot representative depicts the events of 1974 in Cyprus and its aftermath as the cause of the dispute. I wish to reiterate that the crux of the Cyprus question is the 35-year-old usurpation of the seat of Government of the once bi-national Republic of Cyprus by the Greek Cypriot side. That the events of 1974 are not the cause but a consequence of the dispute becomes evident when one recalls that a decade earlier a United Nations peacekeeping force had been dispatched to the island in order to protect defenceless Turkish Cypriots against blatant acts of aggression by heavily armed Greek Cypriots.

It is noteworthy that under article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; or (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part. In the case of Cyprus, there is ample graphic evidence that a genocidal campaign of ethnic cleansing was carried out by the Greek Cypriot side, with the support of Greece, against the Turkish Cypriot people during the 1963-1974 period. The successive reports of United Nations Secretaries-General as well as international press reports testify to the extent of the horror and violence to which the Turkish Cypriots were subjected.

In December 1963, the Greek Cypriots launched an all-out attack on the Turkish Cypriot people in accordance with the insidious Akritas Plan, a blueprint for the Greek Cypriot usurpation of the seat of Government and the eventual extermination of the Turkish Cypriot people. As a result of this onslaught, thousands of Turkish Cypriots were killed, maimed or wounded, while tens of thousands were driven out of 103 villages or were rendered homeless refugees, losing their homes and property. Simultaneously, with those attacks, Turkish Cypriots, the co-founder partners of the bi-national republic of 1960, were ejected from all organs of State and Government, and forced to live in enclaves.

The British newspaper Daily Express of 28 December 1963 reported on the situation in Cyprus within a few days of the implementation of the Akritas Plan as follows:

"We went tonight into the sealed-off Turkish quarter of Nicosia in which 200 to 300 people had been slaughtered in the last few days. We are the first Western reporters there and we have seen sights too frightful to be described in print and horrors so extreme that people seemed stunned beyond tears and reduced to an hysterical and mirthless giggle that is more terrible than tears."

The then United States Under-Secretary of State, George Ball, who had visited the island in February 1964, recalls in his memoirs that "Makarios' (the then Greek Cypriot leader) central interest was to block off Turkish intervention so that he and his Greek Cypriots could go on happily massacring Turkish Cypriots" (The Past Has Another Pattern, p. 345).

The following excerpt from a hitherto secret report concerning Commander Packard, a high-ranking British officer serving on the island, published in The Guardian newspaper of 2 April 1988, is testimony to the horrendous nature of the events between 1963 and 1974 and a portent of the fate that awaited the Turkish Cypriot people in 1974 had it not been for the timely intervention by Turkey:

"One of Packard's first tasks was to try to find out what had happened to the Turkish hospital patients. Secret discussions took place with a Greek minister in the collapsed government. After a brief investigation, he was able to confirm local rumours.

"It appeared that Greek medical staff had slit the Turkish patients' throats as they lay in their beds. Their bodies were loaded on a truck and driven to a farm north of the city where they were fed into mechanical choppers and ground into the earth."

As regards article 2 (c) of the aforementioned Convention, it should be underlined that the Secretary-General himself reported to the Security Council at the time that the economic restrictions imposed against the Turkish communities in Cyprus were in some instances so severe as to amount to a veritable siege (document S/5950 of 10 September 1964, para. 222).

Hence, contrary to the allegations made by the Greek Cypriot representative, the Cyprus question and the present division of the island have not come about as a result of the Turkish intervention of 1974, but by the Greek-Greek Cypriot conspiracy and overt acts of violence during the 1963-1974 period aimed at converting the bi-national Cyprus State into a Greek Cypriot one.

The Turkish intervention in Cyprus was carried out against the background of an 11-year-long systematic campaign of ethnic cleansing directed against the Turkish Cypriot people by the Greek Cypriot side, acting in collusion with Greece. With the coup d'état of 1974, engineered by Greece, which aimed at materializing the age-old irredentist dream of enosis (union of Cyprus with Greece), the threat of total annihilation of the Turkish Cypriots at the hands of the combined forces of Greece and their collaborators in Cyprus had become imminent. Under such circumstances, Turkey had no choice but to exercise its rights and obligations under the 1960 Treaty of Guarantee.

It hardly needs to be stressed that the presence on the island of Turkey, as a guarantor power, is a vital security requirement for the Turkish Cypriots, as it serves as a deterrent against the repetition of Greek-Greek Cypriot aggression against the Turkish Cypriot people. In the face of the unprecedented build-up of arms and armed forces by the Greek Cypriot administration and the implementation of the joint military doctrine with Greece, the necessity of maintaining the Turkish deterrent becomes all the more obvious.

The Greek Cypriot side, which has consistently failed to come to terms with the realities and to respect the equal rights of the Turkish Cypriots, persists in trying to prevent the Turkish Cypriot people's exercise of their human rights through the application of inhuman measures of embargo, which include the denial of the Turkish Cypriot people's right of representation in international forums, restriction of their foreign travel and communication with the outside world; curtailing of trade and tourism; and the hampering of their cultural and sporting relations.

Unless the international community strongly condemns the continuous grave violations of human rights perpetrated with impunity by the Greek Cypriot side against the Turkish Cypriot people, the Greek Cypriot side will have no political will to settle the Cyprus question. Prospects for a settlement will improve only if third parties urge the Greek Cypriot side to stop the war of attrition waged against the Turkish Cypriot side and acknowledge the equal status of the Turkish Cypriot people and their State in Northern Cyprus.

I should be grateful if the text of the present letter were circulated as a document of the General Assembly, under agenda items 46 (b) and 62, and of the Security Council.

(Signed) Aytuğ PLÜMER
Representative
Turkish Republic of Northern Cyprus

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COOPERATION BETWEEN THE UNITED NATIONS AND THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE
FIFTIETH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS
CRIME PREVENTION AND CRIMINAL JUSTICE
HUMAN RIGHTS QUESTIONS
UNITED NATIONS DECADE OF INTERNATIONAL LAW

SECURITY COUNCIL
Fifty-fourth year

Letter dated 6 January 1999 from the Permanent Representative of Turkmenistan to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to inform you that today, 6 January 1999, the President of Turkmenistan, Mr. Saparmurat Niyazov, signed an Act of Turkmenistan and a Decree concerning the introduction in Turkmenistan of a moratorium on the use of the death penalty as a measure of punishment. The Act came into force on 1 January 1999.

I should be grateful if you would have the text of this letter, and the copies of the aforementioned Act of Turkmenistan and Presidential Decree enclosed herewith, circulated as a document of the General Assembly, under agenda items 36, 46, 101, 110 and 149, and of the Security Council.

(Signed) Aksoltan T. ATAEVA
Permanent Representative

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ANNEX I

On the introduction of a moratorium on the use of the death penalty as a measure of punishment

With a view to the further realization of the fundamental principles underlying the creation and development of Turkmenistan as a democratic, law-governed and secular State, on the basis of the consistent adherence to an implementation by Turkmenistan in its domestic and foreign policy of the universal norms of international law and the principles and goals of the United Nations and the Organization for Security and Cooperation in Europe, guided by the ideals of humanism, goodwill and justice, and in connection with the fiftieth anniversary of the adoption by the United Nations General Assembly of the Universal Declaration of Human Rights:

1. With effect from 1 January 1999, a moratorium on the use of the death penalty as a measure of punishment shall be introduced throughout the territory of Turkmenistan.

2. Pursuant to article 66, second paragraph, subparagraph (2) of the Constitution of Turkmenistan, the Supreme Council (Mejlis) shall conduct a legislative review of matters relating to the application of the present Decree.

Saparmurat Turkmenbashi
President of Turkmenistan

ANNEX II

On the procedure for the application of the moratorium on the use of the death penalty as a measure of punishment, introduced by the Decree issued by the President of Turkmenistan on 6 January 1999

In connection with the introduction by the Decree issued by the President of Turkmenistan on 6 January 1999 of a moratorium on the use of the death penalty as a measure of punishment:

1. As from 1 January 1999, the courts of Turkmenistan shall not, when pronouncing sentences, impose the death penalty as a measure of punishment.

2. On the basis of the principles laid down in article 6 of the Criminal Code of Turkmenistan, it is hereby established that the moratorium on the use of the death penalty as a measure of punishment extends to persons sentenced to death before the introduction of the moratorium.

3. Persons sentenced to death before 1 January 1999 shall be sent to correctional colonies to be confined under the conditions stipulated in respect of persons serving sentences in special-regime colonies.

4. The present Act shall enter into force at the time of its adoption.

Saparmurat Turkmenbashi
President of Turkmenistan